IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10158 OF 2004

Ramchandra Dagdu Shinde & Ors. ..Petitioners.

Vs.

Sidheshwar Akaram Shinde ..Respondent.

...

Mr.Umesh Mankapure for the Petitioners.

Mr.Amit Sale for the Respondent.

...

CORAM : DR.D.Y.CHANDRACHUD, J.

27th April, 2005.

P.C. :

It is common ground between the learned counsel that during the pendency of the suit for injunction, an interim injunction had continued to operate in favour of the Petitioners. When the Additional District Judge declined to allow the application for the grant of temporary injunction during the pendency of the appeal on 18th November, 2004 this Court was moved in the present petition and on 22nd December, 2004, while issuing notice the Court directed that the interim relief which was operating till 21st December, 2004 shall remain

operative until further orders. Having regard to the fact that interim relief had operated during the pendency of the suit which was instituted in 2001 (the application for interim relief having been allowed on 17th April, 2002), I am of the view that it would be appropriate if the same position continues to operate during the pendency of the appeal. Counsel for the Petitioners has placed reliance on a joint application which was submitted to the Tahsildar (Exh.A), the statement of the Respondent and the mutation entry which was effected on that basis. Since the appeal is pending, it would not be appropriate for the Court to enter upon a detailed evaluation on the merits of the matter. In the circumstances, this Petition is disposed of by directing that the interim relief which had continued to operate till 21st December, 2004 shall remain operative during the pendency of the appeal, in the peculiar facts and circumstances of this case. However, this shall not be regarded as any conclusive opinion on the merits of the proceedings in appeal. The Additional District Judge, Sangli is requested to expedite the disposal of the appeal and set down a time schedule for the disposal of the appeal preferably by the end of

December 2005. The Petition is accordingly disposed of.